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SUMMARY RECORD OF THE 684th MEETING

Held at the Palais Wilson, Geneva,
on Wednesday, 17 January 2001, at 3 p.m.

Chairperson: Ms. OUEDRAOGO

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The meeting was called to order at 3 p.m.

CONSIDERATION OF REPORTS OF STATES PARTIES (agenda item 4) (continued)

Initial report of Lithuania (continued) (CRC/C/11/Add.21; HRI/CORE/1/Add.97; written replies of the Government of Lithuania to the questions in the list of issues (document without a symbol distributed in the meeting room in English only))

1. At the invitation of the Chairperson, the members of the delegation of Lithuania resumed places at the Committee table.

2. Ms. MIKALAUSKAITĖ (Lithuania) said that in 1998 a working group on sexual abuse and violence against children had been established to draw up a State policy and programme, taking into consideration the outcome of the 1996 World Congress against Commercial Sexual Exploitation of Children. The programme, which had begun in 2000, was funded from the State budget, with the participation of the Ministries of Social Security and Labour, Education and Science, Justice and the Interior, and was managed by a group of experts. The group had conducted a survey on sexual abuse and exploitation in Lithuania and was preparing to publish a book and other documentation on the subject. In 2001 the programme would set up a database for the use of specialists and practitioners as part of a cooperation plan with the Nordic Council, under an initiative taken by the Governments of Sweden and Norway.

3. According to statistics, Lithuania's suicide rate had become one of the worst in the region. Both the President and the Parliament had taken many initiatives to try to formulate a policy to prevent suicide and to obtain a better understanding of the phenomenon. For the time being, services were provided mainly at the municipal level by mental health centres, which received funding from the Ministry of Health Care. Social workers and psychologists also worked on a regular basis in schools, and a free hotline had been set up.

4. The Children's Parliament included the participation of 12 to 18-year-olds, and provided them with the opportunity to express their views to the Seimas and to the Government. It was also an important factor in teaching children about governance and decision-making.

5. Mr. JATKEVIČIUS (Lithuania) said that 50 per cent of the members of the Council for Children's Affairs which reported to the President were members of non-governmental organizations (NGOs), as was the chairman of the Council. One of the non-governmental members was the representative of the Children's Parliament. Lithuanian Government funding for NGOs was given only if the organization in question had won a competition. The principal aim of such competitions was to find professional staff to fill voids in State institutions. Some NGOs also received funding from foreign sources.

6. NGOs had taken part in the drafting of the initial report, and would do so for periodic reports as well. They would also follow and express their opinions on the current deliberations of the Committee. In June 2000 a national conference on the Government's report on the implementation of the Convention in Lithuania had been organized by NGOs, with the participation of Government ministries, politicians and persons working with children.

7. Mr. KAIRELIS (Lithuania) said that two thirds of the proceeds from the privatization fund were earmarked to restore the population's savings and to support small and medium-sized enterprises, and that one third was used for Government programmes, including social programmes which benefited children.

8. Ms. MOKHUANE asked at what age a child was entitled to seek medical advice without parental consent. How did the State party ensure that there was no discrimination against children from dysfunctional families? While she understood that corporal punishment was prohibited by law, she would like to find out more about concrete steps taken to ensure that the practice was effectively not tolerated in schools, institutions and homes. There had been an increasing amount of pornography and violence on television, and the media had reportedly been projecting a positive image of prostitution. Had the Government drawn up any guidelines to protect children from the harmful effects of such programmes? According to some reports, Lithuanian children spent about four hours a day watching television. What measures had the Government taken to encourage them to read books or engage in other activities?

9. The Law on Privatization of Flats had apparently failed to protect children's property rights. Could the Government provide further details on the new law it intended to adopt, and explain how it would take the best interests of the child into account? What were the Government's priorities in caring for disadvantaged and disabled children, and how much of the State budget was devoted to such care? She had learned of programmes to encourage road safety at an early age. It would be useful to know whether they had been successful, and if so, to receive further details about them. How did the State intend to address the problem of child abuse, and how did it ensure that the children of foreign nationals and stateless persons would not be subjected to discrimination?

10. She had received disturbing reports concerning the activities of a religious sect called Invitation à la vie intense, which had targeted children. She asked whether the Government was aware of that phenomenon, and how would it address it. Were children's associations free to operate independently? Were there any requirements for registration or legal constraints on their activities?

11. Ms. KARP, noting that four years had passed since the adoption of new legislation in the field of children's rights and that some gaps persisted between law and practice, asked whether the Government had set any targets for the effective implementation of the new law. Education was a major responsibility of the Government, yet the State reportedly did not participate in the production of children's literature. Was that the case, and if so, what was the Government's policy concerning support for that sector? There were many statistics regarding corporal punishment, which, although banned, continued to be quite prevalent. There had been reports of violence and even sexual abuse in children's care institutions. Were any measures being taken to check that phenomenon through disciplinary or criminal sanctions for the perpetrators? Did the prohibition apply to both schools and institutions? She would be interested to know whether parents were provided with counselling to advise them on alternative ways of disciplining their children.

12. While no one could be sure of the extent of prostitution and human trafficking in Lithuania, it was clearly a serious problem. Both Lithuanian and foreign women and children

had been sent from Lithuania to work as prostitutes in many countries, including her own. In addition, there were reportedly a large number of disappearances among such persons, in part because of a lack of modern services to help track them. Could the Government estimate how many children were involved? Was it cooperating with any other countries to ensure that Lithuanians who were deported home were given the treatment and rehabilitation services they needed during and after deportation? Were any measures being taken in schools to inform children about the risks associated with prostitution and the involvement in such activities of organized crime? Perhaps the delegation could inform the Committee how the new Criminal Code dealt with organized crime, and what effective sanctions were applied to traffickers. Did the law protect boys as well as girls from such trafficking?

13. From the information at her disposal, she understood that prostitution was an administrative offence. Child prostitutes were thus brought to administrative courts, where they were treated as offenders. Would it not be preferable to deal with them as children requiring treatment? The administrative courts apparently did not even have the authority to send children to educational institutions.

14. Additional information would be welcome concerning the infrastructure for abused children who had to testify in court. Did the procedure allow testimony given out of court to be admissible, thus avoiding the need for the child to testify twice? The Government had made a real effort to make up for the shortfall of psychiatrists and social workers in the juvenile justice system. Had similar efforts been made for childcare institutions and governmental institutions dealing with children? The Government could also inform the Committee in more detail about efforts to establish special family courts.

15. Mr. DOEK asked to what extent municipalities had the power to make decisions on social policy, and whether they had the right to levy taxes or to raise funds in any other ways. He expressed concern about the alleged infiltration in a Lithuanian organization called SOS Vaikai by the French sect mentioned by Ms. Mokhuane, Invitation à la vie intense, which had previously been identified by the French parliament as a dangerous group and which reportedly brainwashed its followers.

16. According to the initial report, some 130,000 single mothers and 15,000 single fathers lived in the country. Yet the long list of social insurance benefits in the written replies included no benefits for single parent families. The report stated that children living without either parent were placed in families, family-type foster homes (extended families) or childcare institutions. What was the difference between accommodation in families and in family-type foster homes? Did the State party have any policy to support reunification of abandoned children with their parents? The number of children lacking a guardian had increased by about 80 per cent between 1992 and 1997, and on average about 300 to 350 children had been adopted per year. Yet the report stated that some 6,000 had been adopted in recent years. What accounted for that discrepancy?

17. While Lithuania was a party to the 1993 Hague Convention on the Protection of Children and Co-operation in Respect of Intercountry Adoption, there had recently been reports of a

German couple giving gifts to a pregnant woman in exchange for an arranged adoption, with the connivance of a member of the Seimas. Such behaviour was clearly against the Hague Convention.

18. The new Family Code abolished deprivation of parental rights, which had previously been considered the only way to protect children who were at risk of sexual abuse and violence within the family. What measures would henceforth be used in such cases to provide an effective remedy for child abuse and neglect?

19. While he welcomed the encouraging statistics with regard to school enrolment, the number of children dropping out of school was a serious concern. Some reports estimated that 20,000 children had either dropped out or failed to enrol. What was the Government doing to address that problem?

20. He asked whether the Government was doing enough to curb alcohol abuse among parents, which was a major cause of dysfunctional families.

21. He understood that the new Juvenile Justice Programme had been designed to foster alternatives to imprisonment, but to what extent were such alternatives currently used? Did children, in practice, enjoy the right to legal counsel and was there sufficient contact between parents and detained children? Lastly, he would be interested to learn what was being done to reduce the length of pre-trial detention for minors.

22. Ms. SARDENBERG said that the Committee would be grateful if it could be kept informed of the activities of the Youth Parliament, which she considered to be a very important initiative. She asked whether Roma children in particular were victims of discrimination.

23. It was evident from the report that there had been a tendency in the past to institutionalize children for a whole range of reasons. What progress had been made to date to reverse that trend and had research been done to find out the most effective means of doing so? She would appreciate more details of supervisory and inspection mechanisms, as well as training schemes for the staff of institutions.

24. Did the Government plan to introduce any changes to lighten the overloaded school curricula? In view of the disparity that already existed between rural and urban areas in terms of educational provision, she failed to understand why rural schools were still being closed down.

25. She shared Mr. Doek's concern at the lack of transparency of adoption procedures. Despite the fact that Lithuania was a party to the Hague Convention on Protection of Children and Co-operation in Respect of Intercountry Adoption, it appeared that little had been done either to reduce the number of intercountry adoptions or to monitor the development of children placed in families abroad. Violations of adoption rules were too frequent in both domestic and international cases.

26. There was an unusually high number of missing persons, which included both young women and men. Did the Government intend to seek ways of arresting that trend? What plans were there to curb drug abuse, particularly among adolescents?

27. Ms. EL GUINDI said that in cases of intercountry adoption, States should ensure that mechanisms were in place to ensure that the best interests of the child were being given priority.

28. Mr. FULCI said that children acquired citizenship if their parents were not Lithuanian citizens but permanent residents in the country, but was that still the case if a family had no permanent place of residence?

29. Referring to the United States Department of State Human Rights Report on Lithuania, he expressed concern at the number of child abuse cases, frequently caused by alcohol abuse, which ranged from deliberate starvation to beatings and even murder. There appeared to be no government department responsible for collecting information about child abuse, no criminal laws against sex tourism and child pornography and only one rehabilitation centre for the victims of abuse. He would be grateful if the Child Ombudsman could elaborate on the Government's plans to address that situation.

30. Non-governmental organizations reported that the number of street children had remained constant at about 300 for the previous three years. He failed to understand why it had not been possible to find accommodation for even some of those children.

31. There was a constant need for Governments to raise awareness of the importance of beastfeeding in order to counter the propaganda of companies marketing substitutes. Did Lithuania have any plans to address the problem of widespread ignorance of the advantages of breastfeeding? Despite the adoption of a government programme in 1997 to curb alcohol and drug abuse, there had been an increase in the number of addicts in recent years. He asked why the programme had been so ineffective, and what new steps the Government intended to take.

32. Ms. TIGERSTEDT-TÄHTELÄ said she was concerned about the existence of discrimination against single mothers. In its concluding observations on the consideration of a report of Lithuania in June 2000, the Committee on the Elimination of Discrimination against Women had found that the persistence of stereotypes concerning the role of women in Lithuanian society perpetuated sexual discrimination. In particular, there were very few women occupying important posts in business or the judiciary. Could the delegation elaborate on whether action had been taken since then to bring about a change of attitudes? She asked whether the Government had considered steps to attract more girls to study mathematics and sciences at school.

33. Ms. RILANTONO said that one in every ten children was reported to suffer from neglect, forcing many young people into begging. Did specific programmes exist to help strengthen families, particularly in view of their often difficult economic circumstances?

34. Referring to a report by the World Health Organization, she said that over half of disabled children appeared to be suffering from mental health problems. Had any research been carried out into the possible causes of such a high rate of mental illness? Could the delegation provide information about efforts to remove children with special needs from institutions and help them to integrate more successfully into mainstream education?

35. She welcomed the fact that education was compulsory until the age of 15, but pre-school education, on the other hand, was limited to just one year. The Committee would appreciate more information on the arrangements for pre-school education, including the extent to which it was provided for in the State sector.

36. Mr. RABAH, referring to the high juvenile crime statistics, said the new Juvenile Justice Programme was a welcome initiative, but it was essential to concentrate more efforts on addressing the problems that led to crime in the first place. Furthermore, the approach to justice should focus on rehabilitation rather than detention. Was it true that there was only one rehabilitation centre currently in operation? He would be interested to learn whether there were sufficient numbers of trained social workers to assist the victims of police brutality, particularly in the course of legal proceedings, and whether any research had been done into means of curbing such abuses.

The meeting was suspended at 4.15 p.m. and resumed at 4.30 p.m.

37. Ms. ARMONAVIČIENĖ (Lithuania) said that every child was entitled to free health care pursuant to the Law on Health Insurance and that minors had the right to decide on their own treatment if they were adjudged capable of doing so. Parents were required to be kept informed if a child was admitted to hospital.

38. Ms. MIKALAUSKAITĖ (Lithuania) said that her Government attempted to help dysfunctional families as much as possible in order to avoid removing children from their natural parents. However, a child could be placed in a foster family or institution if, as a result of an investigation, placement was considered to be in his or her best interests. If such a step were taken, social workers were employed to assist in the rehabilitation of families with a view to the child's eventual return.

39. Mr. JATKEVIČIUS (Lithuania) said that excessive corporal punishment as well as sexual harassment were forbidden under the Criminal Code. There were courses, run by psychologists, designed to instruct parents in alternative means of correction, and 130 social workers and psychologists were currently trained specifically to help the victims of ill-treatment.

40. Ms. IMBRASIENĖ (Lithuania) said that new legislation forbidding the publication of child pornography had been adopted in 1999, and a working party to draft a new law on children's rights in that regard had been established only the previous week. The law would be designed to address the issue of the dissemination of pornography over the Internet.

41. Ms. MIKALAUSKAITĖ (Lithuania) said that the predominance of television in family life was not confined to Lithuanian society. However, while it was true that children spent less time reading books than in the past, they were turning to new sources, such as the Internet, for information. The challenge of the technology age was to ensure that children were not isolated and that they discovered possibilities of developing their creative faculties. To that end, courses in Web site creation were being offered to Lithuanian children.

42. Mr. JATKEVIČIUS (Lithuania), replying to a question about children's property rights, said that, in every civil case involving a child over the age of 10, that child's opinion was required to be taken into consideration. Children also had the right to be heard when a decision by their parents implied a change in place of residence.

43. Ms. MIKALAUSKAITĖ (Lithuania) said that new policies on the welfare of children with disabilities had been developed. The entire system was to be reformed over the next 10 years and new legal provisions concerning the reintegration of disabled persons into normal social life would be enacted. Capacity-related opportunities would be created in the labour market. Families with disabled children would receive financial assistance so that proper care could be provided within the home. In general, the State's policy was to scale down the role of institutions for handicapped children. Many services were currently provided at the municipal level, with NGO assistance. She could not provide precise figures for the current budget allocation but would forward the information to the Committee in due course.

44. Mr. KAIRELIS (Lithuania) said that road accidents were a major problem in Lithuania, partly because of the sudden sharp increase in car purchases. Two years previously, the penalties for driving under the influence of alcohol had been greatly increased in a bid to bring down the accident rate. A standing commission of deputy ministers met regularly at the Ministry of Transport to discuss ways of improving safety on the roads, especially for children.

45. Ms. MIKALAUSKAITĖ (Lithuania) said that child abuse was a key issue on the Government's policy agenda. More and more facts concerning abuse, especially within the home, had come to light. During the post-independence period, the privacy of the home had been fiercely defended against any attempt by the authorities to intervene. However, some attempts were now being made to address the issue. Awareness-building programmes for families and society in general were being considered as well as ways of encouraging children to stand up for their rights and resist parental abuse.

46. Ms. BARAKAUSKIENĖ (Lithuania) said that children born in Lithuania of stateless parents without permanent residence status did not acquire Lithuanian citizenship. A commission had been established by presidential decree to evaluate the existing legislation. It would consider the issue of citizenship for children in the light of the provisions of the Convention.

47. Ms. MIKALAUSKAITĖ (Lithuania) said that the religious sect Invitation à la Vie Intense (IVI), an organization based in France, had tried to infiltrate the Lithuanian NGO SOS Vaikai which looked after abandoned children. In 1995, SOS Vaikai had launched a fostering programme with families in France through "FAMILIS", the World Organization for Families. French families had visited Lithuania and Lithuanian children had spent their holidays in France. However, a member of FAMILIS with IVI contacts had created difficulties within the Lithuanian NGO, prompting the Government to file an official complaint with the French authorities. According to an informal response from the French Embassy, the sect was suspected of criminal activities in France but it had been very difficult to produce the evidence needed for a conviction. The Office of the President of Lithuania had established a commission to investigate the activities of SOS Vaikai and had taken steps to ensure the safety of the children concerned.

48. Mr. JATKEVIČIUS (Lithuania) said that children had an unrestricted right to establish and run associations provided that they were registered with the Ministry of Justice.

49. With regard to the lead time for implementation of new legislation, the normal period was between 6 and 12 months to allow specialists and society as a whole to familiarize themselves with the provisions. The period had been longer - over two years - in the case of the Criminal Code because of the need to harmonize its provisions with those of other codes. The corresponding period for the Civil Code had been one year.

50. Mr. PLIKŠNYS (Lithuania) said that the Government supported publishers of children's literature. For example, children's books were exempt from value added tax, which made them 18 per cent cheaper than other books. All school textbooks were issued to students free of charge.

51. Every school had a 15-member school council, comprising five student representatives and five representatives each of parents and teachers. A system of internal and external evaluation of schools had recently been introduced. The internal evaluation covered, inter alia, methods of punishment. If teachers were found to have breached the rules, they were liable to various forms of disciplinary action, including suspension.

52. Mr. JATKEVIČIUS (Lithuania) said that the existing Penal Code and the Children's Code prohibited trafficking in people and, specifically, trafficking in juveniles. The new Penal Code also contained separate articles on trafficking.

53. Ms. MIKALAUSKAITĖ (Lithuania) said that missing persons fell into two categories, those who went into hiding because of criminal acts or inability to pay their debts and those whose disappearance was involuntary. Four or five years previously, there had been no special regulations governing children who went abroad to study. In some cases, they had disappeared without trace. In one case currently being investigated, children had been taken from boarding schools and placed in foster families outside the country for educational purposes. The families had then changed their place of residence and left no forwarding address. Interpol had been involved in the effort to trace them.

54. Mr. JATKEVIČIUS (Lithuania) said that the existing criminal legislation concerning sexual exploitation was sometimes more difficult to apply to boys than to girls. However, the new Penal Code was gender-neutral. Under the existing Code of Criminal Procedure, child victims of violent or sexual crime could be required to give testimony on three occasions: before the investigator, the prosecutor and the court. According to specialists, the process of interrogation could be intimidating for a child. Hence, under the draft Code of Criminal Procedure, child victims were required to appear before officials only once or, if absolutely necessary, twice. Provision was also made for audio and video recording of testimony, and the participation of parents, a legal representative and specialists such as psychologists, teachers or social workers was required at all stages of the proceedings. Under the existing legislation, such participation was strongly recommended but not compulsory.

55. Ms. MIKALAUSKAITĖ (Lithuania) said that social workers had been unknown in Lithuania until five or six years previously. An Educational Centre for Social Workers had been established as well as 10 training centres for rural areas. An annual budget allocation was made to the social sector and licenses were issued to professionally-qualified social workers.

56. Mr. JATKEVIČIUS (Lithuania) said there was no separate family code, but specialized family judges dealt with both civil and criminal cases involving juveniles. A survey was being conducted to determine whether juvenile and family courts were necessary or whether special branches of higher courts and special judges in lower courts were sufficient. It was also a matter of funding. In some parts of the country, only two or three cases were dealt with each year.

57. The participation of the Children's Rights Agency in juvenile court proceedings was already guaranteed. But under the draft legislation, a team of psychologists, teachers, social workers and paediatricians under the chairmanship of the Agency had to sign a written recommendation for the judge or the court on alternative measures in criminal cases and on various possible decisions in civil cases. A court that failed to act on the recommendation was required to give reasons in writing for its decision.

58. Prostitution was not a crime but an administrative offence. The penalties for prostitution under the existing Administrative Code ranged from a warning or payment of a fine to arrest. There was no provision for placement in special care or in an educational institution, but it was a good idea and he would personally see to it that a corresponding draft amendment to the Code was tabled.

59. Mr. KAIRELIS (Lithuania) said that municipalities were, of course, required to comply with the legislation regarding social protection but they were also free to take other initiatives, especially in the area of social assistance. They could seek additional funding for such projects from private individuals and other sources. When the Government or Parliament took a decision that called for extra spending in the middle of the financial year, tough discussions with the municipalities often occurred and the central authorities were sometimes required to provide subsidies.

60. Ms. MIKALAUSKAITĖ (Lithuania) said that there had been a marked increase in single-parent families. A single parent with one or two children was viewed as a family and received the usual benefits. Many such families resulted from divorce. The special allowance for single mothers introduced in the early 1990s had been converted into a family allowance. Single parents also enjoyed tax relief. The Ministry of Social Security and Labour was about to conduct a survey of family assistance in order to make recommendations to the Government on the restructuring of assistance to all families with children. It would also look into the question of support services, especially in cases of family violence. Parents would be encouraged, for example, to seek psychological support.

61. A new approach had been adopted since independence to the welfare of children deprived of parental care. In particular, the foster family system was being promoted as an alternative to institutional care. Some foster families took in more than one child. Foster homes for six or seven children, modelled on the extended family, had been established in the early 1990s as an alternative to the institutions inherited from the Soviet era. It had been somewhat difficult to

define such structures in the legislation enacted in 1998 since they did not correspond either to a normal family or to a regular institution. Three separate ministries catered for children deprived of parental care. Infants under the age of three were assigned to nurseries run by the Ministry of Health; residential institutions for older children were run by the Ministry of Social Security and Labour and boarding schools were run by the Ministry of Education. The system was thus both costly and unwieldy and a survey was being conducted with a view to introducing reforms. The findings would be available in May 2001.

62. The first intercountry adoptions had taken place in 1992 and 1993 at a time when both national and international legislation on such arrangements had been lacking. When the media had drawn attention to abuses of the system in the mid-1990s, Lithuanian legislation had been amended to cover such cases and Lithuania had ratified the Hague Convention on Protection of Children and Co-operation in Respect of Intercountry Adoption in 1997. However, implementation of the Convention had been delayed pending the establishment of a specialized supervisory institution, which had begun to operate on 1 August 2000.

63. Mr. JATKEVIČIUS (Lithuania) said that current civil legislation still provided for a restriction of parental rights; however, that would be changed as of July 2001. Thereafter, the separation of children and parents or the restriction of parental rights would have a limited duration and would be terminated when the negative circumstances ceased. Restriction of the rights of the parents might involve limitations on seeing their children, acting on their behalf or spending their assets.

64. Mr. PLIKŠNYS (Lithuania) said that statistics showed that there might be as many as 20,000 school drop-outs; however, Ministry of Education statistics were not reliable and the number could be 10,000 or 15,000. The problem was that some children between 7 and 16 years of age did not have a personal code. Now every child received a code at the age of seven. Therefore, it was known how many children attended school, but the exact number of drop-outs would not be known for at least another year.

65. The Ministry of Education had initiated some profiling measures to motivate children to continue on to secondary school. The structure of compulsory education had been changed one year before, extending schooling to 10 grades and up to 16 years of age; as a result about 10,000 more children were attending school. Another measure planned for 2002 involved providing financial incentives to schools to attract more students.

66. Mr. DOEK asked what were the activities of the 10,000 to 20,000 children who did not attend school. Were there school inspectors and, if so, did they report on the number of children who were not attending school?

67. Mr. PLIKŠNYS (Lithuania) said that children who did not attend school probably worked on family farms or in family businesses, were on the street or simply did nothing.

68. Lithuania did have school inspectors; however, under municipal law, it was the municipalities that had to report every year on how many children were in school and how many

had dropped out. When a child of less than 16 years of age failed to pass his courses, the schoo had the obligation to try and place him in another programme. The inspectors reviewed the action taken by the municipalities.

69. Ms. KARP said that every system differentiated between drop-outs and children who occasionally missed school and asked whether the statistical data reflected both categories.

70. Mr. PLIKŠNYS (Lithuania) said that the Ministry of Education and Science had data only on children who dropped out of school. Although information was available on children living in villages who had never been enrolled in school, there was no similar information on children living in large cities.

71. Mr. JATKEVIČIUS (Lithuania) said that a number of alternatives to criminal punishme of children were available. They included apology to the victim, compensation of damage caused to the victim, custody by parents or other legal representative, community service, supervision by the family and placement in a special home. Unfortunately, the measures had n been very effective, because there were no specific guidelines on when each alternative should be applied. Efforts were being made to improve the system in the new Penal Code.

72. The child's right to legal counselling was provided for in the Criminal Procedural Code A minor accused of a crime had to have a lawyer and, if he rejected the lawyer, the judge did n have to accept the refusal, as it was assumed that children were not full legal persons. Legal ai was provided free of charge for children with insufficient means.

73. Parents were informed of the facts at the beginning of criminal proceedings and had the right to be present throughout. Children confined in juvenile prisons had the right to unlimited meetings with their parents and could telephone them each day free of charge.

74. Regarding the length of pre-trial detention for minors, the draft amendments to the Criminal Procedural Code were before Parliament. They included provisions establishing the maximum length of pre-trial detention for minors and limiting the judge's right to order the pre-trial detention of a child to the most serious crimes, such as murder or rape.

75. Ms. MIKALAUSKAITĖ (Lithuania), referring to the fact that the year 2000 had been designated the International Year of Youth, said that four main issues had been discussed durin the year: equal opportunities for higher education, the labour market and youth, State-assisted housing for young families and youth criminal offences and drug abuse. Information on the results would be ready at the end of January 2001 and could be provided to the Committee.

76. Mr. PLIKŠNYS (Lithuania) said that it was difficult to integrate Roma children into society. However, over the last two or three years measures had been taken on their behalf and for the period 2000-2004, the Government had approved a programme to integrate the Roma in Lithuanian society.

77. Ms. MIKALAUSKAITĖ (Lithuania) said that the Government had developed a strategic plan to reform the structure, personnel and financing of institutions for children.

78. Mr. PLIKŠNYS (Lithuania), said that both parents and students had complained about the difficulty of the school curriculum and that steps had been taken to reduce the number of hours each week. Children in eleventh and twelfth grade received about 34 hours' schooling a week. The nearly 24 subjects previously taught in school had been reduced to 10 or 11, half of which were compulsory. "Soft profiling", whereby students could choose optional courses for about 5 per cent of the time, had been started in the ninth and tenth grades; it was planned to extend the measure to the fifth to eighth grades. In the ninth to twelfth grades, some hours were dedicated to informal education, which meant that about 25 per cent of the time was devoted to extra-curricular activities.

79. About one third of the places in school were not filled and that cost the Government about $120 million a year. The student-teacher ratio was 11:1. The main problem was quality, which differed greatly depending on the size of the school. The Government was planning a network of schools in each municipality in order to make the best use of resources. As a result, some of the smaller schools would be closed and students would be taken by bus to the larger and better schools.

80. Ms. MIKALAUSKAITĖ (Lithuania) said that a tradition of alcohol abuse had been inherited from previous times; however, society was now changing due to emphasis on the importance and worth of the individual. Lithuanian legislation prohibited advertisements for spirits and cigarettes, and set a minimum age for purchasing alcohol.

81. Drugs had become the main problem. Lithuania had previously been a transit country for drugs from Latin America and Asia to enter Russia, but now drugs were also being manufactured and sold within the country. The previous drug programme for 1996-1997 had attempted to tackle drug abuse by viewing it as organized crime; therefore, all the measures had been aimed at combating crime and not at discouraging young people from using drugs. The programme had been revised and the emphasis was now on keeping drugs out of schools.

82. There were two categories of street children: those who lived on the street permanently and those who spent their days on the street. The social services and mobile street services were trying to integrate the first category into institutions or families and their number was decreasing.

83. Ms. ARMONAVIČIENĖ (Lithuania) said that encouraging mothers to breastfeed their babies up to 3 years of age was a component of the nutrition programme. The Government was trying to increase both the prevalence and duration of breastfeeding by providing pregnant women with information. Random surveys conducted in 1994 and 1999 showed that the programme was obtaining good results, as there had been a significant increase in the number of mothers who were breastfeeding.

84. Ms. MOKHUANE thanked the delegation for a very fruitful and open discussion on the implementation of the Convention on the Rights of the Child in Lithuania. Considering that democracy had been introduced only 10 years before, a great deal had been done to reform the

legislation; now the new laws needed to be fully implemented and actions prioritized. She summarized the points that the Committee would be taking into consideration in its concluding observations, which would be forwarded to Lithuania in due course. It was hoped that, once received, they would be widely disseminated.

85. Mr. KAIRELIS (Lithuania) expressed appreciation for the very constructive dialogue and said that he would inform his Government of the Committee's main findings to enable it to begin taking steps immediately.

86. The CHAIRPERSON suggested that Lithuania might wish to ratify the amendment to article 43, paragraph 2 of the Convention.

The meeting rose at 6.05 p.m.

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Rights of the Child

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COMMITTEE ON THE RIGHTS OF THE CHILD

Twenty-sixth session

SUMMARY RECORD OF THE 685th MEETING

Held at the Palais Wilson, Geneva,
on Thursday, 18 January 2001, at 10 a.m.

Chairperson: Mrs. OUEDRAOGO

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CONSIDERATION OF REPORTS OF STATES PARTIES (continued)

Initial report of Lesotho

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GE.01-40230 (EXT)

The meeting was called to order at 10.05 a.m.

CONSIDERATION OF REPORTS OF STATES PARTIES (agenda item 4) (continued)

Initial Report of Lesotho (CRC/C/11/Add.20; CRC/C/Q/LES/1 (list of issues), update of the initial report (document without a symbol distributed in the meeting room in English only))

1. At the invitation of the Chairperson, Mr. Maema, Ms. Lebotsa, Ms. Chisepo, Ms. Mohlabare and Ms. Liphapang took places at the Committee table.

2. Mr. MAEMA (Lesotho) said that poverty alleviation and the preparation of a development programme and strategy within the scope of the international community's 20/20 Initiative - which called for the allocation of an average of 20 per cent of the national budget in developing countries and 20 per cent of official development assistance to basic social services - were currently at the heart of the Government's agenda for promoting socio-economic development and for reducing the impact of the 1998 crisis.

3. The disruption connected with the 1998 political crisis had caused considerable economic damage, estimated at over 300 million maloti, as well as a 5.5 per cent decline of the gross domestic product (GDP). During the crisis, children had taken part in acts of terrorism and some had been killed in shooting incidents. The labour retrenchment in South African mines had caused a sudden loss of income in Lesotho in households dependent on repatriated salaries. Severe drought in 1991/92 and 1997/98 had led the Government to implement food-supplement programmes for children. In September 2000, in an effort to bring sustainable improvements to the livelihoods of poor people and children, the Government had submitted an Interim Poverty Reduction Strategy Paper to the World Bank under the 20/20 Initiative, and would submit the final Paper in June 2002. The aim of the strategy was to promote national poverty reduction strategies with a results-oriented approach and based on partnership. The vision 20/20 initiative, on the other hand, aimed at defining the major socio-economic and political objectives to be used as indicators of socio-economic progress.

4. In July 2000, the Government had launched a general framework for HIV/AIDS prevention, control and treatment. The part of the National AIDS Strategic Plan relating to children provided for community-based care and foster homes, the adoption of legislation to support children affected directly or indirectly by AIDS and various other measures detailed in the update of the initial report.

5. Primary education had been free in Lesotho since 2000, in compliance with the relevant provision of the Constitution, the World Declaration on Education for All and the Convention on the Rights of the Child. The aim of the Youth Policy was to promote the dignity and self esteem of all young people, to ensure their physical, intellectual and moral well-being and to accelerate their participation in the country's socio-economic, cultural and political life.

6. The gender policy, which was in the process of being prepared, would aim at addressing the gender inequities that persisted in the sphere of public opinion and in society at large. All the ministries would be required to set up gender focal desks. The inferior status of married women,

which prohibited them from having access to economic resources and decision-making powers, was an issue that would also be taken into consideration. The national population policy gave women the right to decide on the number of children they would like to have and the spacing of pregnancies. The reproductive health policy aimed to provide adequate pre- and postnatal care to reduce the infant and maternal mortality rate.

7. The Ministry of Health and Social Welfare and the Ministry of Education had received very high budgetary allocations for children's welfare. For example, the adolescent health programme had received over 203 million maloti in 1998 and some 160 million maloti had been provided for disabled children in 1999. In 1998/99, 215.3 million maloti had been allocated to primary education, more than 1 billion to secondary education and 1.1 million to special education. However, the law enforcement authorities did not have a budget allocation specifically for juvenile offenders.

8. The Law Reform Commission had drafted various statutory bills on the social welfare of women and children. The Married Person's Equality Bill (2000) gave married women the right to take decisions without their husband's prior consent, to enter into contracts and to institute legal proceedings. The Sexual Offences Bill (2000) removed gender discrimination in the definition of sexual offences and imposed penalties for the sexual abuse of children.

9. In order to guarantee the promotion and protection of children's rights, however, Lesotho required the assistance of donor agencies and the specialized agencies of the United Nations. As a matter of priority, the country should obtain a database on children's issues, which would make it possible to facilitate the planning, implementation, monitoring and evaluation of social welfare and development programmes and to develop the indicators needed to measure progress in implementing the Convention. Social workers, probation officers and law enforcement authorities should be provided with specific training on care for special needs children and juvenile offenders, and the Special Education Unit of the Ministry of Education should be strengthened with specialized teachers to cater for children with severe disabilities, particularly mentally-handicapped children.

10. Mr. DOEK said that the report had been prepared in accordance with Committee guidelines and that those responsible for it frankly acknowledged that violations of children's rights occurred in Lesotho that certain laws should be amended to bring them into line with the Convention. However, it was disappointing that the report contained no statistical data or information on the general measures of implementation of the Convention, even if that shortcoming was partly remedied by the updated report.

11. It was not very clear from the report whether Lesotho had introduced a comprehensive strategy for implementing the Convention. At the legislative level, first of all, the Convention was not self-executing in domestic legislation and therefore could not be referred to in a court of law. The Criminal Procedure and Evidence Act still permitted whipping for males under the age of 21 and penitentiary staff still resorted to corporal punishment. Did the Government intend to incorporate the Convention into domestic legislation? How was it possible to implement the Convention in a country governed both by Roman law and customary law - the latter of which still had a strong influence on all family issues?

12. It would be useful to know who, in the Government, was responsible for monitoring the implementation of the Convention and whether a mechanism had been set up to coordinate the numerous activities carried out in the legislative and socio-economic fields. An independent monitoring body was needed so that a critical assessment of the situation could be made. Had a national human rights committee finally been set up, and if so, did it comprise a section or an individual specifically responsible for children's rights issues?

13. In Lesotho, a child was defined as being any human being below the age of 18, yet the age of majority was fixed at 21 years. How was the difference reflected in practice? Did young people aged between 18 and 21 enjoy the same protection as children, or, if they formed a different category, another form of protection? What was the situation of young people who married before the age of 18, since they were no longer protected as children. Did they have the same responsibilities and did they enjoy the same rights as adults, for example the right to enter into contracts?

14. Noting the continuing existence of various forms of discrimination, particularly towards handicapped children and children born out of wedlock, he asked what measures were being considered to rectify the situation. Like non-discrimination, respect for the views of the child, which continued to be undermined by traditional attitudes towards the role of parents- had to be guaranteed both by law and through awareness campaigns aimed at changing attitudes and behaviour. Were there any plans to take such action? In administrative and civil procedures, were there any special provisions to guarantee children the right to a hearing? Were there any structures to promote the participation of children in schools?

15. Did the figures submitted by the delegation concerning the health and education budgets indicate an increase in the credits allocated to those two sectors? Given the considerable reduction of international financial aid in 1997-1998, what was the current situation regarding multilateral and bilateral aid?

16. Mr. FULCI asked whether the report had given rise to any consultations and debates with civil society and non-governmental organizations (NGOs), and if so, to what extent the suggestions made had been taken into consideration. He would also like to know how effective the strategies used to disseminate information on the rights of the child had been, particularly among children themselves. He would also like to know the scope of the cooperation activities carried out with the international organizations and whether the amount of technical assistance currently provided by donor countries and organizations was sufficient.

17. Ms. EL-GUINDI, noting that there was no ministry was specifically responsible for the implementation of the Convention or for coordinating policies for children, requested details about the relationship between the Central Planning Ministry, which was responsible for coordinating the implementation of the National Plan of Action, and the other government bodies and NGOs.

18. Ms. MOKHUANE asked about the measures that had been taken to disseminate information on the Convention to children living in rural areas. She would also like to know how the Government evaluated the results of its policy, as some of the statistics needed for that purpose were unavailable. Had the implementation of the National Plan of Action helped to raise

awareness of the obstacles hindering the development of children's rights? Did Lesotho intend to ratify International Labour Organization (ILO) Conventions Nos. 138 and 182 and the Hague Conventions on maintenance obligations towards children and on intercountry adoption?

19. What measures were planned to strengthen policies and programmes for vulnerable children, particularly street children, pregnant teenagers and children deprived of a family environment? Was the age of sexual consent the same for boys and girls? Did the fact that minors were not allowed to consult a doctor without their parents' consent pose a problem in the case of pregnant teenagers?

20. Ms. TIGERSTEDT-TAHTELA asked what percentage of the State budget was allocated to measures to help children. She asked about current economic trends and forecasts in that area and requested further information on taxation. Had VAT been introduced, and if so, how was it collected and what effect had it had on the poorest sector of the population?

21. Ms. KARP asked which channels were the most accessible to children for filing complaints, and how and by whom complaints lodged by children were addressed? What influence did customary law have on marriage and had any studies been carried out on the issue of early marriage to measure the scale of and eliminate that practice? Were any measures being considered to permit young girls to continue their schooling once they were married? It would also be useful to know whether minors could take an AIDS test without their parents' prior consent and what sort of help was provided for children with HIV or AIDS. Finally, were any measures going to be taken to address the shortage of qualified professionals in the health sector?

22. Ms. RILANTONO asked what were the Government's possibilities for action in favour of children, what issues it intended to address as a matter of priority and how that was reflected in the budget. Given that 50 per cent of the active population worked in the primary sector, it would be interesting to know whether any measures had been taken to promote the development and modernization of the agricultural sector.

23. Mr. RABAH asked whether any measures had been taken to raise religious leaders' awareness of the principles laid down in the Convention and to change attitudes, particularly towards women and girls, in an attempt to phase out the many traditional practices that contradicted the provisions of the Convention. The age of criminal responsibility, fixed at seven years, was very low. He asked what the minimum age was for enrolment into the armed forces.

24. Ms. LEBOTSA (Lesotho) said that the percentage of inhabitants infected with HIV had increased significantly, reaching 15 per cent. An awareness campaign and a strategic plan to change sexual behaviour had been organized within the framework of the National HIV/AIDS Strategic Plan, which would receive two per cent of the 2001-2002 budget. In addition, the Ministry of Health and the Ministry of Justice were in contact with the Irish Government, which had offered to help Lesotho develop some preventive strategies.

25. Since the political crisis of 1998, poverty had become more widespread, and a greater number of children were being forced to work. The Government, with the help of UNICEF, had carried out a study that had been used to determine the extent of child labour in different regions of the country and also in the preparation of recommendations, which were yet to be

implemented. Another consequence of the fall in the standard of living had been the emigration of health professionals and social workers to South Africa, which had led to a countrywide shortage of qualified personnel. A forum had been organized to discuss ways of preventing the brain drain but its conclusions had not yet been made public, no consensus seemed to have been reached.

26. The decision to create the Law Reform Commission had been taken as late as 1997; it was now established and had a budget, but had only recently become operational, and had set up a child law reform committee. Similar problems were being experienced with the Human Rights Commission, whose role would be to address complaints about human rights violations; its establishment had been approved in 1995 but it had not yet been made operational.

27. With regard to the corporal punishment imposed on male juvenile offenders, she referred to paragraphs 109 to 111 of the report. Two contradictory laws were in force: the Criminal Procedure and Evidence Act, which authorized such punishment, and the Children's Protection Act, which prohibited it.

28. One body should be specifically responsible for coordinating the various initiatives for children. The Ministry of Planning was currently responsible for the overall implementation of all government projects but each ministry was responsible for monitoring its own activities. During a consultation with NGOs, organized before the Committee meeting, it had been suggested that the newly established Ministry of the Environment, Gender Equality and Youth should be made responsible for monitoring the implementation of the Convention, a proposal which was going to be examined in more depth. The Ministry of Education and the Ministry of Health, with the help of UNICEF, had adopted some mechanisms to evaluate the impact of the measures taken.

29. Three officials from the Ministry of Justice had been responsible for drafting the report. They had used information from many other sources to prepare a preliminary draft, which had been submitted to various government agencies, to NGOs and to political and religious leaders. The comments made at the time had been taken into consideration in the final draft. No evaluation had been made of the extent of the Convention's dissemination. Information would be provided at a later date on cooperation with international institutions for the purpose of implementing the Convention and on the possible ratification of ILO Conventions Nos. 138 and 182.

30. A group of judges was currently in South Africa attending an awareness-raising conference on the importance of ratifying the Hague Conventions on maintenance obligations towards children and on intercountry adoption. The share of the budget allocated to children was calculated only with respect to the Ministries of Health and Education and the figures were not disaggregated in the overall state budget.

31. Mr. MAEMA (Lesotho) said that the amount of technical assistance provided to Lesotho was far from sufficient and had to be increased, particularly for capacity-building purposes. The system of taxation had many shortcomings, largely because there was a shortage of qualified staff working for the tax office. The bill to introduce VAT was still being considered by Parliament, which was finding it difficult to reach a decision and had had to organize informal

discussions with the International Monetary Fund (IMF) for a better understanding of the implications.

32. Ms. CHISEPO (Lesotho) said that the draft Children's Protection Act should be submitted for consideration by Parliament in February 2001. With regard to AIDS prevention, health centres intended exclusively for teenagers had been set up in the regions to answer teenagers' questions about reproductive health. Young people could have an AIDS test there without their parents' consent.

33. Mr. DOEK noted that, according to the report, children with behavioural difficulties could in some cases be placed in institutions comparable to detention centres where they mixed with minors sentenced to imprisonment and were subjected to corporal punishment. As using violence to punish violent children had no educational value, he asked whether the State party had any plans to criminalize corporal punishment.

34. Considering the growing number of children orphaned by AIDS and the widespread poverty, was Lesotho taking any measures to protect children in need? Did the National AIDS Strategic Plan 2000-2004 provide any psychological support for underprivileged families, particularly single-parent families?

35. With reference to table 1 of the report, he was struck by the fact so few applications for foster care had been submitted between 1992 and 1997 (45 in total). Was that due to an absence of need in that field or to the lack of foster facilities? It was also surprising that the data provided in the summary table on page 20 of the updated report indicated a significant decline in the number of abandoned, neglected and abused children, in particular, over the previous two years. He would appreciate the delegation clarifying the figures and providing a table that accurately reflected the current situation.

36. The delegation was invited to indicate whether customary law encouraged adoption by the extended family and to provide information on intercountry adoption. Did Lesotho intend to develop a comprehensive plan to address the problems of disabled children?

37. Mr. FULCI underlined the fact that while the Constitution of Lesotho prohibited any laws that were discriminatory in substance or effect, some existing laws affecting persons who were not citizens of Lesotho introduced a distinction between children who were nationals of Lesotho and those who were not, and were therefore discriminatory in nature. Further details would be appreciated on the obligation to register births, which did not appear to be respected, although it was a fundamental aspect of the implementation of the Convention since children acquired their rights at birth. He would also like to know whether female genital mutilation was a widespread practice in Lesotho and whether it was punished. Lastly, could the delegation give more details about the country's policy on breast-feeding?

38. Ms. MOKHUANE said that the practice of giving illegitimate children a derogatory name as a sign of disapproval was a violation of their dignity and clearly contradicted the objectives of the Convention. A public debate should be entered into immediately to put an end to the practice. Likewise, corporal punishment was damaging not only to the physical integrity

of children but also to their dignity and it was therefore essential that Lesotho should revise its legislation on the matter.

39. From the information available, it seemed that parents were so busy trying to meet basic family needs that they neglected to provide their children with the psychological support and guidance they needed to develop. Had Lesotho developed a comprehensive strategy to ensure the psychosocial development of children within the family environment?

40. One of the main elements of the right to survival and development was the introduction of AIDS prevention programmes, but what about the other elements of the right to development, such as education, mental health programmes, environmental planning, recreational activities, art and culture? Was there any coordination between activities in the various fields? According to reports from the various partners, access to information was extremely limited. What was the State party doing to remedy the situation?

41. With regard to the media, what had been the results of the work done by the National Broadcasting Commission, which was responsible for suggesting topics for television or radio debates and for evaluating programmes intended for young people?

42. Had Lesotho adopted a policy for the welfare of families headed by children, considering that the number of children orphaned by AIDS was on the increase?

43. Ms. EL-GUINDI, noting that for cultural reasons little importance was given to children's views either at home or at school, asked whether Lesotho intended to take any measures to change attitudes in that respect. Considering the collapse of the family unit and the increase in the number of single parent families headed by women, was Lesotho concerned about the fate of the mothers who were bringing up their children single-handedly and did it take into account the best interests of children when developing its programmes?

44. Ms. KARP asked what percentage of marriages involved children under 16 years of age and whether early marriages were due to the widespread opinion that adolescent girls were less likely to be infected with the AIDS virus.

45. She invited the delegation to provide statistics on cases of police brutality, which seemed very common, and to indicate whether Lesotho envisaged any mechanisms to deal with complaints made by victims of police violence.

46. Had the State party tried to determine the causes of the increase in the number of youth suicides? Did it intend to integrate the issue into the school curricula and to make psychological counselling available?

47. In Lesotho, children's inheritance rights were not protected and it was common for children to be dispossessed of their property when their parents died. Did the Government intend to amend legislation to protect the increasing number of children orphaned by AIDS?

48. Girls who became pregnant were legally obliged to leave school permanently at the beginning of the pregnancy. Could they not continue their studies in one of the country's many church-run schools? Were children who attended a school of a denomination other than their own obliged to attend religious education classes at that school or was it possible for them to exercise their right to freedom of religion?

49. Ms. RILANTONO, highlighting the importance of registering births, whereby children acquired a name and nationality, asked how much it cost to register a child. If the price was unaffordable, that might explain why some single mothers took a long time to register their children. It would be useful to have further information on the steps that single mothers had to take to obtain identity documents for their children, as according to some sources, the procedure was more complicated for them than for married mothers.

50. Was religious education taught only in church-run schools or did state schools also provide such teaching? Lastly, given the decline in immunization coverage and the rise in infant mortality despite the country's Health for all by the year 2000 objective, she asked whether the National Plan of Action in the health sector provided for a reform of the health-care system.

The meeting rose at 1 p.m.

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SUMMARY RECORD OF THE 686th MEETING

Held at the Palais Wilson, Geneva,
on Thursday, 18 January 2001, at 3 p.m.

Chairperson: Mrs. OUEDRAOGO

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CONSIDERATION OF REPORTS OF STATES PARTIES (continued)

Initial report of Lesotho (continued)

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GE.01-40238 (E)

The meeting was called to order at 3.10 p.m.

CONSIDERATION OF REPORTS OF STATES PARTIES (agenda item 4) (continued)

Initial report of Lesotho (continued) (CRC/C/11/Add.20; CRC/C/Q/LES/1; written replies of the Government of Lesotho to the questions in the list of issues (document without a symbol distributed in the meeting room in English only))

1. At the invitation of the Chairperson, the members of the delegation of Lesotho resumed places at the Committee table.

2. Ms. LEBOTSA (Lesotho) said that children under the age of 18, once married, were considered to have reached the age of majority, and were therefore no longer entitled to protection under the Children's Protection Act. Replying to a question about orphans' rights to property inheritance, she said that an orphan's estate was protected by law and administered by the Master of the High Court on his or her behalf.

3. It was difficult for single mothers to acquire travel documents for their children. Since women were equivalent to minors in legal terms, they required the support of a male in order to obtain official documents. That led single mothers to seek assistance either from the child's father or even from complete strangers.

4. In reply to a question concerning the discriminatory nature of section 18, subsections (a) and (b) of the Constitution, she said she was unable to give a detailed account of the issue of citizenship without first consulting the relevant ministry, while a recommendation had been made to parliament to amend subsection (b) in the light of the proposed Married Person's Equality Bill.

5. According to the definition her delegation had received from the United Nations, female genital mutilation did exist in Lesotho, but the Ministry of Health would need to carry out a study in order to assess its impact on motherhood. She asked the Committee to bear in mind that female genital mutilation took place within the framework of initiation schools, which traditionally played an important role in rural communities.

6. There was currently no legal protection for single mothers and their children, but the country programme of cooperation between the Government of Lesotho and UNICEF for the period 2002 to 2006 contained plans to develop legislation in that regard.

7. Mr. MAEMA (Lesotho) said that his delegation would need to consult the relevant ministry for precise statistics in order to reply to Mr. Doek's question concerning bilateral and multilateral aid. He agreed that the use of violence to instruct children was, in principle, unacceptable, but there were currently no plans to criminalize corporal punishment.

8. Ms. MOHLABANE (Lesotho) said that children with behavioural problems tended to be placed in institutions or prisons because there were no specialized rehabilitation centres and because families lacked the necessary support to take care of such children themselves. The revision of the Children's Protection Act currently being carried out by the Law Reform

Commission would lead to new legislation to assist children with behavioural difficulties. Steps would be taken progressively to reduce the use of prisons in favour of community-based treatment.

9. Prison staff did not receive specialized training. Nevertheless, corporal punishment of prisoners was not used as an ad hoc measure, since only the courts had the power to give the order for it to be used.

10. Ms. CHISEPO (Lesotho) said that the National AIDS Strategy did not include specific measures to assist children affected by poverty, but her delegation would try to ensure that changes were made in order to take the Committee's suggestions into account.

11. A Social Welfare Policy Framework was currently being drafted which would propose new guidelines on the placement of children in institutions. It would also include a recommendation to establish a support fund for foster families, since economic pressures often prevented couples from volunteering to be foster parents. Nevertheless, there had not been as large an increase in the number of children seeking foster parents as the table provided in the written replies seemed to suggest. Rather, the statistics provided in the initial report were inaccurate, as they had been compiled before the decentralization of social welfare services had facilitated the collection of data.

12. Girls who became pregnant before completing their schooling were currently expelled, while the same punishment did not apply to boys who became fathers. The Social Welfare Policy Framework would include provisions to allow girls to return to education after childbirth.

13. Reform of the health-care system was in progress, particularly with a view to improving the infrastructure, but the objective of providing free health care for all was currently far from achieved.

14. There was no comprehensive plan to address the problems of disabled children, but they were being considered in the context of the health reforms. A survey was due to be carried out at the national level in order to identify the precise needs of disabled people.

15. Mr. MAEMA (Lesotho) said that the failure to register children at birth was frequently caused by ignorance as well as a lack of institutional capacity. Registration services had recently been decentralized to facilitate the process, so it was to be hoped that the situation would shortly improve.

16. In reply to questions concerning police brutality, he said that Lesotho had been governed by a dictatorship, under which law enforcement officials were completely unaccountable, until as recently as 1993. The restructuring programme that had begun since then was an enormous task which would take many more years to complete. Nevertheless, several investigations were in progress concerning cases of police brutality.

17. Ms. LEBOTSA (Lesotho) said, in reply to questions concerning the status of the Convention, that international agreements were not self-executing in Lesotho, and thus required legislation to incorporate them into national law. In addition, the Commonwealth countries had

adopted the Bangalore Principles in 1988 and the Harare Declaration of Human Rights in 1989, which gave guidelines for the application of international treaties. Accordingly, the competent administrative bodies should refer to international standards in cases where domestic law was ambiguous or silent, but should give priority to national legislation wherever conflict arose. The Law Reform Commission had created a number of subcommissions, each responsible for establishing an agenda for legislation to address in one specific area. They would also identify the type of research work still required in order to bring domestic law into line with international standards.

18. Mr. MAEMA (Lesotho) said that the incorporation of international treaties into domestic law was being done in a consistent, though not entirely systematic, manner.

19. Mr. DOEK said he suspected that the figure of 17 reported cases of child abuse and neglect in the family in 1997 failed to reflect the real situation in the country and asked whether there was any programme to address the issue, such as awareness-building among social workers and parents or a reporting system. Had any action been taken on corporal punishment within the family?

20. With regard to education, he was struck by the fact that, according to the figures submitted by the State party, while 3,000 more boys than girls were enrolled in the first grade of primary education in 1997, 6,000 more girls than boys were enrolled in the seventh grade, the implication being that there was a high drop-out rate among boys. The same applied to secondary education. He was interested to hear what action the Government was taking to address that problem. On what basis were grants awarded to offset school fees?

21. He was alarmed by the figures for juvenile crime: 60 male children had been arrested for armed robbery in 1996/1997 and 197 in 1998/1999; 758 had been arrested for murder in 1996/1997 and 1,130 in 1998/1999. The figures were remarkable not only in absolute terms but also in terms of the increase recorded. Over the same period, however, the number of children in detention had declined. In fact, there had been only 127 in detention in 1999. He wondered whether the delegation could account for the discrepancy.

22. He understood from paragraphs 112, 113 and 115 of the report that juveniles and adults were not segregated either in police custody or in pre-trial detention. Were there plans to remedy that situation?

23. He inquired about the practical procedure followed when children were arrested for an offence such as armed robbery. In particular, he wished to know whether their parents were informed without delay, under what conditions they were held in police custody and pre-trial detention, how soon they were brought before a judge and what criteria were applied with regard to sentencing, probation, etc.

24. Mr. FULCI noted that the minimum legal age for employment in Lesotho was 14. However, it had been reported that children under the age of 14 were employed in the textile and garment sector and in family-owned businesses. Furthermore, although there was a strict statutory prohibition on the employment of minors in enterprises involving dangerous work, he understood that enforcement was lax because the Inspectorate of the Ministry of Labour and

Employment was severely understaffed. In rural areas, young shepherds were apparently required to prove their virility by working under extremely dangerous conditions. Was that allegation true? He asked whether Lesotho intended to become a party to the International Labour Organization (ILO) Minimum Age Convention, 1973 (No. 138) and the Worst Forms of Child Labour Convention, 1999 (No. 182).

25. According to the United States Department of State Human Rights Report for 1999, smugglers of illegal immigrants, primarily from South and East Asia, took advantage of Lesotho, whose law did not expressly prohibit trafficking in persons, to convey persons temporarily to South Africa for onward transport to Europe and North America. It was not clear whether the criminal organizations concerned were transporting persons for purposes of servitude, slavery or forced labour but it was suspected that most of the persons in their charge were poor economic migrants seeking employment in countries in the northern hemisphere. He would welcome any comments that the delegation could make on the allegation of trafficking of foreigners in Lesotho.

26. Ms. MOKHUANE asked whether any studies had been undertaken of patterns of morbidity and mortality resulting from the practice of traditional circumcision of boys and whether there was any government policy on circumcision and initiation rites. Had the issue of adolescent sexual health been considered and, if so, what was the outcome?

27. According to the report, parents failed to make full use of health services for reasons related to custom. She would be interested to learn whether the phenomenon had been studied in order to establish the reasons for their reluctance. Was there any indication that factors such as access to services, friendliness of staff and availability of drugs constituted an impediment to service-rendering?

28. She understood that the emigration of health-care personnel to South Africa had created problems for Lesotho and asked whether a strategic plan had been developed to meet the shortage. She would also welcome recent figures on the ratio of doctors and nurses to the population and information about measures to train additional professional staff. She suggested that incentives might be offered to personnel in areas where shortages were most acute.

29. How were village health workers accommodated in the health-care reform programme?

30. Referring to the double victimization problem in rape cases, she inquired about measures to ensure confidentiality for rape victims giving evidence in court and asked whether magistrates had been trained in techniques for interviewing children.

31. Given the importance of pre-school education, she was concerned about the lack of information on pre-school facilities in the report. She would welcome information about the Government's policy in that regard.

32. Mr. RABAH drew attention to a long list of allegations of discrimination, inter alia on grounds of gender, religion, tribe and national origin, in the complementary report on the implementation of the Convention submitted by the NGO Coalition for the Rights of the Child. He invited the delegation to respond to the allegations.

33. He asked whether the phenomenon of street children existed in Lesotho and, if so, what were its causes and how were the children treated. Had any statistics been compiled?

34. He asked whether the procedures for treating juvenile offenders had been brought into conformity with the Convention and, if not, whether there were plans to introduce corresponding legislation. It was essential to make provision for rehabilitation centres, legal aid and social assistance for juvenile offenders. Female juvenile offenders should be segregated from adults in women's prisons. Unfortunately, prisons tended to be a school for crime and juveniles could be adversely influenced where they were in direct contact with adult criminals.

35. Ms. TIGERSTEDT-TÄHTELÄ said that the report indicated that the four basic principles enshrined in the Convention were not well known in Lesotho: article 2 on non-discrimination, article 3 on the best interests of the child, article 6 on the right to life, survival and development, and article 12 on respect for the views of the child. Those principles should shape attitudes to children's rights, also among the general public, and should underlie any new legislation. They called for prioritization of children's rights and involvement of children in dialogue and negotiation at all levels.

36. The Human Rights Committee, in its concluding observations on the initial report of Lesotho (CCPR/C/79/Add.106), had expressed concern about restrictions on freedom of movement, expression, peaceful assembly and association, and about discriminatory legislation, including customary laws. She invited the delegation to comment on the general human rights situation.

37. Ms. RILANTONO referred to allegations that the religious education provided in schools was not always appropriate and that the curriculum, especially in church-run schools, was not supervised in all cases by the Government. She inquired about the content of the religious syllabus in State-run schools. According to the complementary report by the NGO Coalition, children were not free to choose their place of worship. If parents changed churches, the children had to follow, even if they liked the church they were attending. Sometimes church schools allegedly told children of other denominations that the school was full even though places were still available. Persons with traditional beliefs or who attended traditional doctors were called witches and risked having their house burnt down by other villagers. Children who attended circumcision schools were often expelled from their regular school. What measures were being taken by the Government to enhance tolerance between religious groups?

38. Ms. KARP inquired about the attitude of church-run schools to pregnant girls. If the Government found that girls' rights were being violated in such schools, which benefited from government grants, could it use its authority to persuade them to change their ways? She suggested that special schools should be established for girls who had become pregnant if no other solution could be found.

39. She was interested to learn how a traditional society dealt with the question of education for reproductive health. Given existing taboos, also on the whole issue of AIDS, she wondered whether any special measures had been taken to convince those responsible for imparting or promoting such education of its usefulness.

40. She had been interested to hear at the previous meeting about the "adolescent corners" counselling system and asked whether they existed throughout the country or only in towns.

41. She asked whether it was true that poor administration of inheritance laws and the intrigues of unscrupulous persons with inside knowledge could result in the impoverishment of orphans.

42. In view of the huge task that would be involved in ensuring full implementation of the Convention in Lesotho, she asked whether the Government had identified areas, such as juvenile justice or the rehabilitation of abused children or street children, in which technical assistance would be welcome.

The meeting was suspended at 4.30 p.m. and resumed at 4.50 p.m.

43. Mr. MAENA (Lesotho) said that little mention was made of adoption in customary law; in practice, however, children were taken in by the extended family and the matter was neither registered nor even discussed. Section 14 of the Adoption Proclamation of 1992 had given it a very restricted interpretation, which had unfortunately set a precedent. In June 1998 the Chief Justice had declared it unconstitutional. The Department of Social Welfare processed both national and intercountry adoptions. National adoptions were increasing and, in the case of intercountry adoptions, there was a system whereby social workers of the country of the adoptive parents provided monitoring and supervision for the first two years; thereafter, feedback was obtained from written reports.

44. Ms. LEBOTSA (Lesotho), referring to child abuse and neglect, said that the Ministry of Justice, with the cooperation of a local NGO, had produced a radio drama on domestic violence which explored the escalating problem of incest. It had been broadcast during a popular current affairs programme.

45. A programme on assistance with school fees, had been introduced three years before, with a special fund provided by the Central Planning Ministry from its programme of safety-net funding. The grants were managed by the Department of Social Welfare and were provided to the very poor who applied for assistance. The eligibility criterion was based on family income, which had to be less than US$ 7.00 a month. That represented the amount of public assistance given to indigent peasants.

46. Ms. MOHLABANE (Lesotho) said that some of the questions relating to juvenile justice had been answered in writing in a document to be distributed. In reply to the question on what measures had been taken to ensure that young offenders were not put in adult prisons, she said that Lesotho was composed of 10 districts and the only young people's prison, the Juvenile Training Centre, was in the capital, Maseru. Therefore, one or two young offenders could be found in some adult prisons in the districts, either on remand or sentenced to a prison term, because, in cases of remand, it was difficult to transfer them to Maseru and, even when they were sentenced to a prison term, at times the families requested that they should not be transferred in order to be able to continue visiting them.

47. A concern had been expressed that young female prisoners were placed with adult women and wore the same uniform. The probation officers were aware of the problem and had tried to change the procedure. However, prisons now had their own rehabilitation officers who were not as sensitive to the problem. On her return, she would ask the Chief Rehabilitation Officer to discuss the situation with the prison authorities and make them aware of the need to modify conditions for young female prisoners.

48. Concerning the treatment given two boys who had committed a theft at gunpoint, the offence might be processed according to the Children's Protection Act, which conformed to the Convention. Other contradictory legislation existed, however, and magistrates were free to choose which laws to invoke. Under the Children's Protection Act, children could not be kept in pre-trial detention for more than 48 hours before being taken before a judge and cases were handled differently from those involving adults; they were held in camera and the names of the young offenders were not disclosed. When the sentencing stage was reached, a probation officer was required to prepare a pre-sentencing report, which included information on the child's social background and recommendations on the sentence that should be imposed; for example, the offenders might be sentenced to probation under the supervision of the parents or the village chief, who would be assisted and counselled by the probation officer.

49. Mr. DOEK asked whether children had the right to legal assistance and what was the role of parents in a legal procedure.

50. Ms. MOHLABANE (Lesotho) said that juvenile offenders usually came from very poor families. If the parents sought the assistance of a lawyer, they would have to pay for it. However, if the probation officer sought legal advice from Legal Aid, which was a branch of the Ministry of Justice, it was provided free of charge. In Lesotho, the probation officers carried out a great deal of the preparatory work for cases involving minors, and it would be interesting to know more about the system in other countries.

51. Parents played a very important role in the juvenile justice system and the courts would not hear a case involving a child unless the parents were present. Moreover, in many cases, the police preferred to return juvenile offenders to the parents for supervision, pending a court case, rather than hold them in custody. There were currently few specific rules governing the situation, but the new legislation would regulate the administration of juvenile justice.

52. Mr. MAENA (Lesotho) said that a study on the socio-cultural implications of circumcision had been conducted recently. The Government was aware that certain problems existed and a draft bill on male circumcision had been introduced by the Ministry of Health - the Lesotho traditional medical practitioners bill - which had various provisions to control circumcision schools and the practices of traditional doctors, and established penalties in cases where the provisions were not followed. For example, there were reports that underage children had been admitted to circumcision schools, and the new bill prohibited admission of children under 18 years of age.

53. With regard to the allegation in the 1999 Country Report on Human Rights Practices, published by the United States Department of State, that illegal immigrant smugglers were using Lesotho as a transit country for trafficking in persons, he said the Government would examine the situation and take the necessary measures.

54. Ms. CHISEPO (Lesotho) said that the village health worker programme would be improved under the health reform programme. The programme included a district health package which entailed training village workers in new health issues, such as the early diagnosis of children with disabilities; the home-based care of persons with AIDS and, in particular, the care of AIDS orphans. They would also be trained to act as auxiliary social workers, because currently social workers worked at the district level rather than the grass-roots level.

55. While no studies had been conducted on the causes of suicide, from her contacts with persons with suicidal tendencies she believed that in many cases such behaviour resulted from frustration related to personal trauma such as incest. As State social services were inadequately staffed to deal with the problem of street children, NGOs provided most services, including counselling. The Government recognized the useful work done by NGOs in rehabilitating such children and reuniting them with their families, and provided annual grants to them in support of their work.

56. Ms. LEBOTSA (Lesotho), addressing a question put by Mr. Fulci, said that the labour inspectorate did not have sufficient staff to enforce the labour laws which set the minimum age of 14 for employment. The working group of the Government and UNICEF which had drawn up the programme of work for 2002-2006 had discussed that problem. However, the phenomenon was not exclusively due to a lack of resources in the labour inspectorate. The main reason for it was underlying poverty. Some children worked because they needed income to finance their education. Mr. Doek had raised questions about the statistics in the written replies pertaining to offences committed by minors and the number of minors detained. All the statistics kept by the various services, including the police and the Department of Prisons, were maintained independently, with no reconciliation between the services. None of the statistical services were computerized. That was one reason why the Attorney-General, Mr. Maema, had called for technical cooperation in the compilation of a database. Another reason for the discrepancy might have been that some cases were settled at the pre-trial stage, or out of court.

57. While she was not a member of the bench, she knew that the double victimization of rape victims was a serious problem. A number of NGOs had called on the Government to address the issue of confidentiality and to take measures to increase the sensitivity of male judges in such trials. In some cases rape victims had been humiliated to the point of tears. One problem was the lack of detail in reports filed by medical officers, which made them insufficient as legal evidence of rape. She took note of the Committee's concern and would communicate it to the Government.

58. The question relating to the extension of pre-school education would be transmitted to the Ministry of Education. Gender discrimination existed in Lesotho culture and in Roman-Dutch law. Women, especially those who married under the "community of property" regime, had to seek their husbands' consent to enter into contracts or take out loans from banks. The Constitution upheld the application of customary law in matters relating to personal law, burial

and devolution of property. The society was strongly patriarchal in nature and was still very traditional, and many discriminatory customs were widely respected. While she could not say what the chances were for extensive change in the future, some families had begun naming their children for relatives from the maternal side, which differed from the traditional practice. The surname, however, was always taken from the father.

59. Ms. CHISEPO (Lesotho) said that there were currently three health corners, one in the capital and one each in the north and south. There were plans to open seven more by June 2001, so that one health corner would serve each district.

60. Mr. DOEK summarized the Committee's consideration of the initial report and presented ideas for the drafting of concluding observations.

61. The CHAIRPERSON noting the constructive dialogue that had taken place between the Committee and the delegation, expressed the hope that the Committee's concluding observations and recommendations would contribute to the effective protection of children's rights in Lesotho. The presence in the delegation of a minister in charge of one of the State services directly involved with child welfare would have been a welcome sign of the Government's desire to give effect to the Convention. She trusted that the delegation would transmit to the competent authorities the Committee's recommendations and concerns, and asked that the State party widely disseminate the Convention, the initial report and replies to the list of issues, as well as information on the current meeting.

The meeting rose at 6.05 p.m.